

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LINKLATORS LLP, a foreign limited liability
partnership,

Plaintiff,

v.

NEOS INC., a Delaware corporation,

Defendant.

Case No.: 3:19-cv-04357-LB

[Assigned to Honorable Judge Laurel Beeler]

**~~PROPOSED~~ ORDER TO SHOW CAUSE
RE CONTEMPT FOR FAILURE TO
APPEAR AT JUDGMENT DEBTOR EXAM**

On September 27, 2019, the Clerk entered an order granting default judgment in favor of Linklaters (“Judgment”). The Judgment requires that Neos Inc. (“Judgment Debtor”) pay Linklaters LLP (“Judgment Creditor”) the amount of \$418,490.23 with an interest rate of 8% from the date of entry of the foreign judgment on February 4, 2019. Pursuant to the Judgment, creditor Linklaters initiated an investigation into assets of Judgment Debtor available to apply to the Judgment.

Judgment Creditor served Judgment Debtor with a subpoena to produce documents by January 6, 2020 at 10:30 a.m.

Judgment Creditor obtained an order from the Court for a corporate representative of Judgment Debtor to appear for a debtor examination on January 13, 2020 at 9:00 a.m. (the “Examination Order”).

Jean Richmann of Alston & Bird LLP appeared on behalf of Judgment Creditor. Pursuant to Federal Rule of Civil Procedure 69(a)(2), “[i]n aid of the judgment or execution, the judgment creditor or a successor in interest whose interest appears of record may obtain discovery from any person—including the judgment debtor—as provided in these rules or *by the procedure of the state where the court is located.*” Fed. R. Civ. Proc. Rule 69(a)(2) (emphasis added). Pursuant to California Code of Civil Procedure § 708.150, Judgment Debtor was required to appear via a corporate representative to be examined pursuant to the Examination Order, and Judgment Debtor failed to appear.

March 12, 2020

Under the circumstances, the court sets a show-cause hearing for ~~February 20, 2020~~ at 9:30 a.m. in Courtroom B on the 15th Floor of this Court located at 450 Golden Gate Ave., San Francisco, CA 94102. A corporate representative of Judgment Debtor must appear in person to show cause why the Court should not hold it in contempt under CCP § 2023.030(e) for Judgment Debtor’s failure to appear on January 13, 2020, pursuant to the Examination Order, and shall be examined pursuant to the Examination Order.

IT IS SO ORDERED.

DATED: February 20, 2020



Judge of the District Court